

HOUSE BILL 2212

By Cobb C

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35, relative to the sentencing of persons
convicted of certain felonies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by
adding the following new section:

§ 40-35-122.

(a) As used in this section, unless the context otherwise requires:

(1) "Drug offense" means a violation of chapter 17, part 5,
classified as a felony that involves the manufacture, delivery, sale or
possession with the intent to manufacture, deliver or sell a controlled
substance; and

(2) "Violent offense" means an offense classified as a felony that
involves:

(A) Serious bodily injury or death to a victim or bystander;

(B) Threats reasonably calculated to produce such results
to a victim or bystander;

(C) Sexual contact or sexual penetration as defined in §
39-13-501; or

(D) The use of a firearm during the commission or flight
from such offense.

(b) Notwithstanding the provisions of this chapter, a person convicted of
a drug offense or a violent offense who, at the time of the offense, was in the
United States illegally shall be sentenced from within Range II of the appropriate

range for such offense. Nothing in this subsection shall prohibit such a person from being sentenced from within Range III as a persistent offender or career offender if the factors set out in §§ 40-35-107 and 40-35-108 are applicable.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.